



U.S. Citizenship
and Immigration
Services

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MAY 18 2004

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Petitioner:

[REDACTED]

Beneficiary:

PETITION:

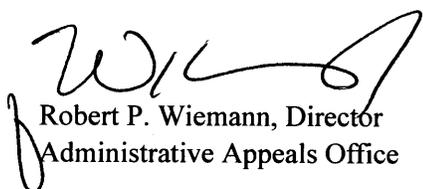
Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center denied the employment-based petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a corporation organized in the State of California in May 1999. It claims to be an investment company. It seeks to employ the beneficiary as its president and chief executive officer. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

The director determined that the petitioner had not established its ability to pay the beneficiary the proffered annual wage of \$72,000.

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, in pertinent part: "An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

On the Form I-290B Notice of Appeal, filed on September 4, 2003, counsel for the petitioner indicated that a brief and/or evidence would be submitted within 30 days. To date, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The statement on the appeal form reads:

[CIS] denied the instant case based on inability to pay the offered wage. The employer's can prove ability to pay the offered wage from the time the Immigrant Petition for Alien Worker was filed to the present. Also, the beneficiary has been on payroll since the petition was filed which can be proven with Forms DE-6 [California Employer's Quarterly Wage Report], and U.S. Corporate Tax returns showing compensation of officers.

The petition was filed October 25, 2002. A review of the record before the director shows that the beneficiary was paid an annual salary of \$37,260 in 2002. The record does not contain the petitioner's 2002 Internal Revenue Service (IRS) Form 1120, U.S. Corporation Income Tax Return. The record contains no other documentation that would substantiate the petitioner's ability to pay the proffered wage. Counsel's statement does not identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal. The regulations mandate the summary dismissal of the appeal.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.